

**United States Pretrial Services Agency
Southern District of New York
Young Adult Opportunity Program - Consent Form**

Name: Jose De La Cruz

Case Number: 21-cr-00451

You have been selected to participate in the Young Adult Opportunity Program of the Southern District of New York. We believe in your ability to succeed in this program and look forward to working with you to build a foundation for your success in the future. By signing this form, you agree to participate in this intensive supervision program.

Read this form carefully before you sign it and speak with your attorney if you have any questions. If you are able to complete the program, you *may*, in the Program Judge's discretion, be afforded a reduction in sentence. The final determination of your sentence, however, including whether or not any such reduction is appropriate, will not be made until your sentencing proceeding is held. Because post-arrest rehabilitation is only one of many factors to be considered at your sentencing, the successful completion of the program does not *entitle* you to a reduction in sentence.

Successful completion of the program will also provide support for an application to the United States Attorney's Office to reduce the charges filed against you or the charges to which you have entered a guilty plea, and in some cases it may provide support to defer prosecution entirely. The United States Attorney's Office will consider your successful completion of the program in making its prosecutorial decisions. But the determination whether to reduce or defer the charges against you is solely within the discretion of the United States Attorney's Office, and successful completion of the program does not *entitle* you to a reduction or deferral of the charges filed against you or the charges to which you have entered a guilty plea.

What you can expect from the U.S. Pretrial Services Agency:

1. You will be thoroughly assessed and a comprehensive treatment plan will be generated to aid you in your rehabilitation process. The plan will be discussed during the first meeting and signed by you, your pretrial services officer and a judge. You agree to participate in drug and alcohol evaluation, and the plan may include substance abuse treatment as needed. The plan may also include educational, vocational, mental health treatment, or other programs designed to address the underlying causes of criminal activity.

2. Your pretrial services officer will work with you to identify problems you are facing and to secure referrals and resources necessary to the successful completion of your comprehensive treatment plan.
3. You will receive intensive personal supervision from your pretrial services officer.

What you can expect from the Program Judges:

1. The Program Judges will offer you individual attention at regularly scheduled meetings. The Program Judges will discuss your progress at the monthly meetings and address any concerns you and your pretrial services officer may have, and will expect you to discuss those concerns as well.
2. The Program Judges will encourage you when doing well.
3. The Program Judges will hold you accountable. If a violation of the conditions of the program (or of your pretrial release generally) is admitted or proven at a hearing with your attorney present, you may be reprimanded and/or subjected to one or more of the following additional sanctions, among others: more frequent court appearances; increased treatment services; a stricter treatment modality; restrictions on where you can go and with whom you can associate; a curfew; a community service obligation; a weekend jail term; or even the revocation of your release.
4. The Program Judges will have the authority to consider all information obtained during the course of your participation in the Young Adult Opportunity Program in determining your sentence.

What we will expect from you:

1. You must agree to have your case transferred for sentencing to the United States District Judge who is acting as your Program Judge.
2. You must refrain from illicit drug or alcohol use.
3. You must appear on time for your regularly scheduled meetings with the Program Judges, which may be recorded. Although you will be expected to be open and honest about your behavior, agreeing to participate in the program does not affect your right to remain silent. You retain the right to remain silent if an answer to the judges' or the officer's questions may tend to incriminate you. Your lawyer is permitted and welcome to attend the meetings, although by participating in this

program, you are consenting to proceed at the monthly meetings without your counsel. Your counsel will, however, continue to represent you, including at any plea proceeding, violation hearing, and at sentencing.

4. You will be required to participate in the program for a minimum of 12 months. Thereafter, the Program Judges, along with you, your defense attorney, and the pretrial services officer will assess your progress. You may be required to continue with the program for additional time, up to an additional 12 months.
5. You must report to Pretrial Services as directed.
6. An important part of the program will be your participation in substance abuse treatment and counseling programs and/or other programs addressing underlying causes of criminal activity, including vocational, educational, and mental health treatment programs. You must report for all treatment programs as directed.
7. You must comply with all standard conditions of your release.
8. You must provide verification of address and employment and/or income on a regular basis.
9. You must believe in your ability to succeed. We believe in you and if you believe in yourself you will succeed.

The Program Judges, Pretrial Services, and your attorneys will make every effort to work with you to ensure that you participate successfully in the program. If, however, you violate the terms of the program, you may be terminated from further participation. By signing this agreement, you waive any right you might otherwise have to appellate review of a decision that you have failed to complete the program or a decision terminating you from the program. In addition, you have the right to withdraw from the program at any time for any reason, provided you notify the supervising officer of your desire to do so.

You will be given a separate form that will specify your individual needs and goals. The criteria listed on your form will provide a basis for a determination about whether and when you have successfully completed the program.

I have read this form and understand it. I have consulted with counsel before signing it. By signing, I agree to participate in and abide by the rules of the Young Adult Opportunity Program. I further understand that participation in this program may delay the resolution of my case, and that any such delay is hereby requested by me so I may avail myself of the potential benefits of the program. I understand that I have legal and constitutional rights to have a speedy trial and that I may need to waive those rights in order to participate in the program. Additionally, I understand that at the conclusion of my participation in the program, I agree to sign a consent form authorizing Pretrial Services to conduct future criminal record inquiries for the purpose of program related research.

Jose De La Cruz by
 Defendant Signature: Ezra Spilke and through counsel Date: 12/30/2021

I agree it is appropriate for my client to participate in the Young Adult Opportunity Program and I have advised my client accordingly. I understand that I am welcome, but not obligated to attend the monthly meetings; I agree, however, to attend any monthly meeting if so directed by the Court. I understand that participation in the program will delay the resolution of the case. I have discussed with my client the right to a speedy trial and have advised my client of the consequences of waiving that right. My client consents to such delay, and my client and I agree it is warranted in the interest of justice and provides a valid basis to exclude time under the Speedy Trial Act.

Attorney for the Defendant Signature: Ezra Spilke Date: 12/30/2021

Participation in the Young Adult Opportunity Program in the Southern District of New York is hereby approved. The defendant shall appear for all scheduled meetings between the judges, the pretrial services officer, and the defendant in the United States District Courthouse located at 40 Foley Square or 500 Pearl Street, New York, New York. The Program Judges' staffs will be responsible for scheduling all meetings and for notifying all parties.

Pretrial Services Officer Signature: [Signature] Date: 01/04/2022

SO ORDERED

[Signature]
 United States District/Magistrate Judge

DATED: 01/05/2022